

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc.,)	
)	No. 07 C 1482
Plaintiff,)	
)	Judge Elaine E. Bucklo
v.)	
)	
MARK RONE CONSTRUCTION CORP.,)	
an Illinois Corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and BRIAN T. BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to the Judgment Order entered May 17, 2007, moves the Court to enter Judgment in favor of Plaintiff and against Defendant, MARK RONE CONSTRUCTION CORP., in the amount of \$13,576.62. In support hereof, Plaintiff states:

1. On March 16, 2007, Plaintiff filed his Complaint, pursuant to ERISA, 29 U.S.C. §§ 1132 and 1145, and LMRA, 29 U.S.C. § 185, and the Collective Bargaining Agreements ("CBA"), to obtain an audit and recover all unpaid contributions, interest, liquidated damages, professional fees, and court costs owed to Funds.

2. On April 18, 2007, Defendant was served with process through the Illinois Secretary of State. A true and correct copy of the Affidavit of Compliance is attached hereto as Exhibit A.

3. Pursuant to Fed. R. Civ. P. 12(a)(2), Defendant was required to answer and appear on or before May 8, 2007. Defendant did neither.

4. On May 17, 2007, the Court found Defendant in default and ordered Defendant to produce its books and records to Plaintiff for an accounting. The Court further retained jurisdiction to enter supplemental judgments in favor of Plaintiff and against Defendant for all contributions, interest, liquidated damage, professional fees and costs due Plaintiff. A true and correct copy of the Court's Judgment Order is attached hereto as Exhibit B.

5. Following entry of the May 17, 2007, Judgment Order, Plaintiff's certified public accounting firm, Calibre CPA Group, PLLC, conducted a compliance audit of Defendant's books and records and issued a Compliance Report ("Audit"). The Audit reveals that for the period July 1, 2003, through December 31, 2006, Defendant failed to report and pay amounts due under the CBA on 144 hours of work. A true and correct copy of the Audit is attached as Exhibit C. 6. Based on the Audit and ERISA, 29 U.S.C. §1132, Plaintiff's damages are:

\$1,393.92 -	Unpaid contributions per ERISA, 29 U.S.C. §1132(g)(2)(A), and §9.8 of CBA
\$1,137.75 -	Interest on unpaid contributions per ERISA, 29 U.S.C., §1132(g)(2)(B), and §9.8 of CBA, which includes \$1,012.29 set forth in Audit + \$20.91/month after 8/31/07
\$1,137.75 -	Statutory double interest per ERISA, 29 U.S.C. §1132(g)(2)(C)
\$111.51 -	Liquidated damages per §9.8 of CBA
\$7,602.44 -	Attorneys' fees and costs per §1.6 of CBA and ERISA, 29 U.S.C. §1132(g)(2)(D), through current (see Affidavit of Douglas A. Lindsay, attached as Exhibit D)
\$2,193.25 -	Audit costs per §1.6 of CBA and 29 U.S.C. §1132(g)(2)(E) (see Affidavit of Jim Lamont, attached as Exhibit E)
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\$13,576.62 -	Total due as of 2/1/2008

7. Defendant has failed to pay the amount due as requested by letter dated December 21, 2007, from Plaintiff's counsel to Defendant, a true and correct copy of which is attached hereto as

Exhibit F.

8. A draft order is attached as Exhibit G.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to enter Judgment in favor of Plaintiff and against Defendant, MARK RONE CONSTRUCTION CORP., in the amount of \$13,576.62, and to award such other and further relief in favor of Plaintiff and against Defendant as the Court deems just.

JAMES T. SULLIVAN, etc., by his
attorneys, DOUGLAS A. LINDSAY, JOHN W.
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